



N A R U C  
National Association of Regulatory Utility Commissioners  
EX PARTE OR LATE FILED

August 24, 1999

RECEIVED

AUG 26 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**RE: Ex Parte: Two Copies filed in the proceeding captioned:**

*In the Matter of Implementation of the Subscriber Carrier Selection Changes  
Provisions of the Telecommunications Act of 1996 - CC Docket No. 94-129.*

Madam Secretary:

This letter is being filed to comply with the FCC's rules on *ex parte* contacts. On August 24, 1999, Glenn Reynolds, Acting Chief of the Enforcement Branch, joined a conference call with Montana Commissioner Bob Rowe, Chair of NARUC's Telecommunications Committee and NARUC First Vice President, Washington State Commissioner Bill Gillis, Chair of the NARUC Consumer Affairs Committee, South Dakota Commissioner Pam Nelson, Ms. Jo Kinkel, the Texas Public Service Commission's Chief of Enforcement, Brad Ramsay, NARUC Assistant General Counsel, and Jessica Zufolo, NARUC's Legislative Director for Telecom and Water.

Subsequently, on August 25, 1999, a second conference call included Common Carrier Bureau Chief Larry Strickling, FCC Acting Enforcement Chief Glenn Reynolds, Deputy Enforcement Chief Mark Seifert, Montana Commissioner Bob Rowe, Chair of NARUC's Telecommunications Committee and NARUC First Vice President, New York Public Service Commissioner Tom Dunleavy, Kate Whitney, Montana PSC Chief Compliance and Public Information Bureau, Brad Ramsay, NARUC Assistant General Counsel, and Jessica Zufolo, NARUC's Legislative Director for Telecom and Water. During both calls, the various State representatives suggested generally:

- The interexchange carrier TPA proposal should not be given serious consideration for all the reasons stated earlier in comments filed by NARUC and others;
- The FCC's rules should provide an off ramp from the FCC's rules directly to States interested in handling slamming complaints under more rigorous State law.
- Specifically referenced NARUC's earlier April Letter to the Commission, a copy of which is attached.

If you have any questions about this correspondence, please do not hesitate to call me at 202.898.2207.

Sincerely,

  
James Bradford Ramsay  
Assistant General Counsel

No. of Copies rec'd 011  
List ABCDE



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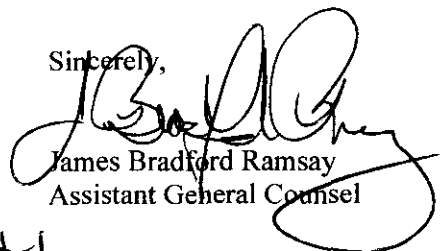
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April 20, 1999

Hon. William Kennard  
Chairman  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, SW  
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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Re: State commission resolution of slamming complaints

Dear Chairman Kennard:

I suggest for further discussion that the FCC and state commissions consider entering into voluntary cooperative agreements to have slamming and perhaps eventually other appropriate telecommunications-related complaints handled and resolved by state commissions. A state commission could elect to participate in the agreement. The FCC would set appropriate terms for the agreement. I suggest this as a more consumer-friendly alternative to the "Third Party Administrator" proposal as it is currently framed.

The approach I suggest will help address many concerns about third party administration of slamming complaints, including ensuring enforcement of more robust state remedies and ensuring greater consumer confidence in the procedure. It will maximize efficient use of federal and state resources, will be undertaken in the spirit of FCC-state commission cooperation which you and your colleagues have worked so hard to establish, and will be consistent with the cooperative federalism of the Telecommunications Act. Perhaps most importantly, it will ensure telecommunications consumers have available to them an effective remedy as "close to the customer" as possible.

As you know, states from Florida, to New York, to Washington, to California have undertaken aggressive consumer-protection programs. With the clarification of state authority over consumer protection provided by Congress in the Telecommunications Act, and often with the close cooperation of the FCC, states have over the last few years implemented especially effective anti-slamming education and enforcement programs. At the same time, the FCC has worked effectively within its resources to address growing consumer concerns. A state-administered program would build on these efforts and maximize efficient use of all of our strengths and resources.

As you know, many models exist for such arrangements in areas such as consumer protection, employment law, human services, civil rights, and environmental policy. Like slamming, these are all areas where both strong federal and state concerns are engaged. As a first step, a work

group from the FCC and states could develop an outline and work plan for the approach. Ultimately, the FCC and individual states would enter into enforcement agreements. The FCC would set the floor for enforcement, with state law setting the ceiling. In the unlikely event that a state consumer-protection provision constituted a "barrier to entry" the FCC would have authority to address the question under Section 253.

I recognize that this approach may not be as appealing to some in the industry as would be a centralized industry-run program. Here as elsewhere, a little bit of messiness is one of the most important features of the federalist model. Further, structured interactions between state commission enforcement programs and an industry clearinghouse could be a productive part of such an approach. The defining goal, however, must be providing meaningful, effective remedies close to and accessible to customers.

I look forward to your response.

Sincerely,

Bob Rowe  
Chairman  
NARUC Telecommunications Committee

- c. Hon. Susan Ness
- Hon. Harold Furchtgott-Roth
- Hon. Michael Powell
- Hon. Gloria Tristani

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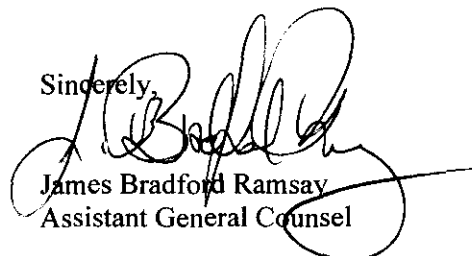
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